



6-25-03

AF/3727

PATENT
Attorney Docket No. 5887.00
Express Mail Label No. EV156914381US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Patrick H. Wnek

Serial No. 09/764,718

Filed: 18 January 2001

For: Container With Improved Stacking/Denesting
Capability

Examiner: S. Castellano

Art Unit: 3727

TECHNOLOGY CENTER R3700

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Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Notification of Non-Compliance with 37 CFR 1.192(c);
2. Applicant's Brief on Appeal (in triplicate)
3. Certificate of Mailing by Express Mail; and
4. Return Card,

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV156914381US with the United States Postal Service, addressed to Mail Stop Appeal Brief-Patents, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of June 2003.

Kurti Murray

Mailer
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USPTO Customer No. 20686



#9
Appeal Brief
S. Zimmerman

Express Mail No. EV156914381US
Attorney Docket No. 5887.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED
JUN 30 2003
TECHNOLOGY CENTER R3700

In re application of)
Patrick H. Wnek)
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Serial No. 09/764,718)
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Filed 18 January 2001) Appeal No.: _____
) Group Art Unit: 3727
) Examiner S. Castellano
For: Container With Improved)
Stacking/Denesting Capability)
)
)

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE

WITH 37 CFR 1.192(c)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliance with 37 CFR 1.192(c), applicant has submitted herewith an Applicant's Brief on Appeal intended to replace the earlier filed brief.

In the afore-noted notification, the examiner noted the brief did not contain the items required under 37 CFR 1.192(c), or the items were not under the proper heading or in the proper order. The replacement brief has each heading identified in Section 1.192(c) and in the same order requested. While the examiner checked Box No. 5 indicating the brief did not contain a concise statement of the issues presented for review, it is felt the issues were so presented under Item No. 6 and they have again been present in the revised brief.

The examiner also checked Box No. 7 indicating the brief did not present an argument under a separate heading for each issue on appeal. It is felt that such arguments were presented in the original brief, but in the revised brief, those specific arguments under separate headings are found under Section 8(C). Sections 8(A) and 8(B) are presented as background information to more readily interpret the specific comments and arguments set forth in Section 8(C).

The examiner further checked Box No. 8 indicating there was not a correct copy of the appealed claims inasmuch as there were duplicate claims. The examiner was correct and this has been remedied in the replacement brief.

Further, the examiner noted in Section 7 of the brief that applicant needed to provide the statement requirement by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together. This statement has been added and the arguments in support thereof are found in the Argument Section 8(C).

Further, applicant inadvertently omitted the triplicate copies of the brief and that has also been remedied with the provision of three copies of the revised brief enclosed herewith.

Applicant has submitted information in addition to that required in Section 1.192 which information is felt to more clearly point out the distinctions in the present invention and the prior art. While this information is not required, it is felt that all of the required information is also submitted, with the proper headings and the requested order so that the brief is felt to be in full compliance with 37 CFR 1.192.

Should the examiner have any further concerns, it would be appreciated if he would contact attorney for applicant at the below-listed number.

Dated June 23, 2003.

Respectfully submitted,


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GMP/dtc